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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

BRUCE LIONEL PARKER

CIVIL ACTION NO. 1:11CV1952

VERSUS

JUDGE DRELL

JAMES L. LEBLANC, ET AL.

MAGISTRATE JUDGE KIRK

REPORT AND RECOMMENDATION

Pro se plaintiff Bruce Lionel Parker, proceeding in forma pauperis, filed the instant civil rights complaint pursuant to 42 U.S.C. §1983. Plaintiff is incarcerated at the Avoyelles Correctional Center in Cottonport, Louisiana. He names twenty-three defendants and claims that he was subjected to excessive force while in the maximum security housing unit from February 18, 2011 through February 23, 2011. He was ordered to supplement and amend his complaint to provide additional information regarding his claim.

This matter has been referred to the undersigned for review, report, and recommendation in accordance with the provisions of 28 U.S.C. §636 and the standing orders of the Court.

Law and Analysis

Federal Rule of Civil Procedure Rule (FRCP) 41(b) permits dismissal of claims "for failure of the plaintiff to prosecute or to comply with ... any order of court...." The district court also has the inherent authority to dismiss an action *sua sponte*, without motion by a defendant. See Link v. Wabash R.R.Co., 370 U.S. 626, 630-31, 82 S.Ct. 1386, 1388-89, 8 L.Ed.2d 734 (1962). "The power

to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the [d]istrict [c]ourts." McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir.1988). Plaintiff has failed to respond to this Court's order directing him to amend his complaint, which was to be filed on or before April 26, 2012.

Conclusion

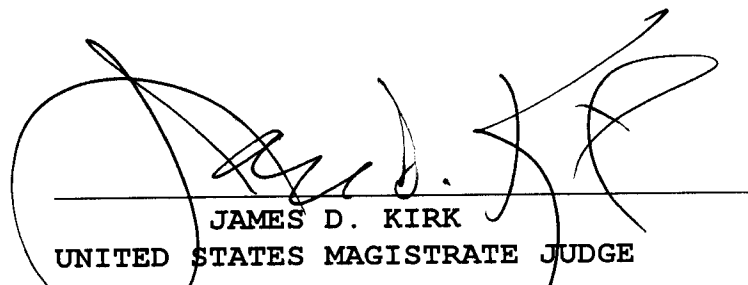
THEREFORE, IT IS RECOMMENDED that Plaintiff's complaint be **DISMISSED WITHOUT PREJUDICE** in accordance with the provisions of FRCP 41(b).

Under the provisions of 28 U.S.C. §636(b)(1)(C) and Fed.R.Civ.Proc. 72(b), parties aggrieved by this recommendation have fourteen (14) business days from service of this report and recommendation to file specific, written objections with the clerk of court. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. See Douglass v. United Services Automobile Association, 79 F.3d 1415

(5th Cir. 1996) .

THUS DONE AND SIGNED at Alexandria, Louisiana, this 17th day
of May, 2012.



A handwritten signature in black ink, appearing to read "J.D. Kirk", is written over a horizontal line. To the left of the signature is a large, loopy circular flourish. Below the signature, the text "JAMES D. KIRK" and "UNITED STATES MAGISTRATE JUDGE" is printed in a bold, sans-serif font.

JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE